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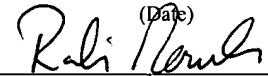
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Benjamin H. Diaz et al.  
App. No. : 09/821,371  
Filed : March 29, 2001  
For : PERSONALIZED HAND HELD  
CALORIE COMPUTER  
Examiner : Edward R. Cosimano

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

8-31-04

  
(Date)

Rabinder N. Narula, Reg. No. 53,371

STATUS LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Regarding the above-referenced Application, on April 30, 2003, Applicant filed a Response to an outstanding Office Action. According to the attached Patent and Trademark Records, (i) the Response was received on May 6, 2003 and forwarded to Examiner on May 9, 2003, (ii) a Notice of Allowability was entered on May 28, 2003, and (iii) the status of the application was listed as "Allowance Counted" on the same day. However, as of today, Applicant has not received a Notice of Allowance or any other official correspondence from the Patent Office regarding the status of this case.

In November 2003, Applicant's representative, Rabinder Narula contacted Examiner Cosimano. The Examiner told Mr. Narula that he had allowed the Application. However, because this Application is a reissue application, it was going through a "secondary review." The Examiner stated that there were (i) no other outstanding issues or due dates and (ii) no need for Applicant to take any further action. In May 2004, Mr. Narula contacted the receptionist of Group 3629 to determine the status of the Application. The Group's receptionist informed Mr. Narula that the Application was still waiting to be examined by the review group for reissue applications. The receptionist informed Mr. Narula that there were (i) no other outstanding issues or due dates and (ii) no need for Applicant to take any further action.

It has been over a year since any official action has been taken on this Application. As such, we respectfully request that the Patent Office inform us as to the status of this application.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 8-31-04

By: Rabinder N. Narula

Rabinder N. Narula  
Registration No. 53,371  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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